

DELTA PROTECTION COMMISSION

14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
PHONE: (916) 776-2290
FAX: (916) 776-2293



July 10, 1998

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Proposed Incorporation of the City of Oakley, Contra Costa County

Background:

On June 24, 1998, the Contra Costa County Local Agency Formation Committee voted unanimously to accept financial analysis and set city boundaries and spheres of influence for the proposed City of Oakley. The proposal will next be considered at a hearing before the Board of Supervisors. The final determination of the proposal to create a new city will go to the voters on the November 3, 1998 general election.

At the June 24 meeting there was discussion of the proposed city boundaries. The original recommendation of the LAFCO staff was to include all of Big Break and the water-covered areas between Big Break west to the Antioch Bridge. The water-covered areas and Big Break, which is a flooded island, are in the Primary Zone of the Delta.

With the concurrence of the Chair, your staff sent a letter suggesting that the proposed City limits be modified to more closely match the boundary of the Primary Zone of the Delta, which is close to the Urban Limit Line adopted by the voters of Contra Costa County (see attached letter).

At the June 24 meeting, LAFCO accepted a proposal to set the City limits 200 feet waterward of a line representing mean high water from the Antioch Bridge to the lands owned by the East Bay Regional Park District (eastern half of Big Break). A map of the revised proposed boundary is attached. East Bay Regional Park District intends to acquire the western half of Big Break and some additional lands along the shoreline.

Next Steps:

The last action before the November general election is a "protest hearing" scheduled for July 28, 1998, before the Contra Costa County Board of Supervisors. This hearing gives an opportunity to the persons that live in the proposed City limits to protest the proposed incorporation. According to the Oakley Incorporating Committee, over 50% of the residents must protest, otherwise the matter will be on the November ballot.

If the City of Oakley is approved by the voters in November, a City Council will also be elected on the same day. The City will adopt the Contra Costa County General Plan as its General Plan until such time as the City prepares and adopts its own general plan. The Contra Costa County General Plan has been amended to ensure it is consistent with the Commission's adopted regional plan for the Primary Zone.

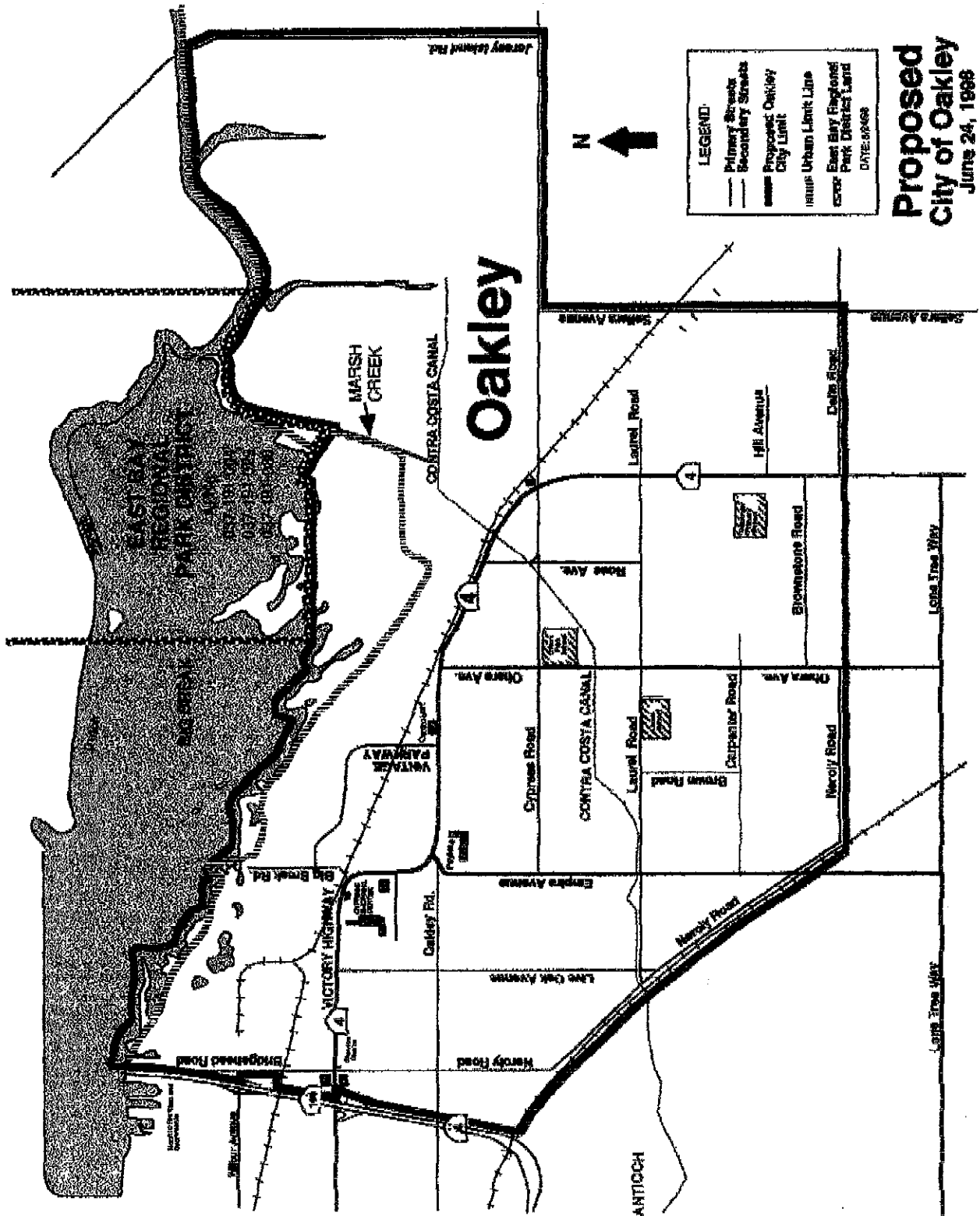
Conformance with the Delta Protection Commission's Act and Plan

The Delta Protection Act's authors did not anticipate the incorporation of a new City in the Primary Zone of the Delta. The Act requires that "within 180 days of the adoption of the regional plan or any amendments by the commission, all local governments shall submit to the commission proposed amendments which will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the primary zone" (Section 29763).

"Local government" is defined in Section 29725 which lists the existing counties and cities by name; there is no City of Oakley.

Proposed Action by the Commission:

Because the proposed City of Oakley would adopt the County's General Plan as its General Plan upon incorporation, there would be no conflict with the Commission's regional land use plan. However, if the City is incorporated, the Commission should request that the Legislature amend the Delta Protection Act Section 29725 to include "the City of Oakley and any other cities which may incorporate within or annex any portion of the Primary Zone". The Commission should direct staff to continue to work with the Oakley Incorporating Committee to ensure that the new City Council and staff will address issues outlined in the Delta Protection Act and the Land Use and Resource Management Plan for the Primary Zone of the Delta.



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June 23, 1998

Annamaria Perella
LAFCO
McBrien Administration Building-8th Floor
651 Pine Street
Martinez, CA 94553

Subject: Comments on the City Limits for the Proposed City of Oakley

Dear Ms Perella:

Thank you for forwarding the map of lands and other staff reports regarding the proposed City of Oakley. I understand the planning process has been underway for several months, however, I only recently became aware of the incorporation process. The Commission itself has not had the chance to review the incorporation proposal, so these are staff comments only.

The Delta Protection Commission is a State land use planning agency with limited authority over land uses in the Primary Zone of the Delta. The Commission was created as a result of legislation passed in 1992; the Commission started meeting in January 1993. The Commission was charged with preparation of a regional land use and resource management plan for the Primary Zone of the Delta. The goals of the legislation and plan are to protect the three existing land uses in the Delta: agriculture, wildlife habitat, and recreation. The local governments were required to ensure that their general plans are consistent with the Commission's plan. Contra Costa County, along with the four other counties in the Primary Zone, and the cities of Rio Vista and Stockton have adopted such amendments.

Portions of the proposed City would be located in the Primary Zone of the Delta. Those areas are the water covered areas north of the blue line identifying the edge of the shoreline of Big Break and the San Joaquin River on the Jersey Island U.S.G.S. Quad map. I have enclosed a copy of the official Map of Zones, which differentiates the Primary Zone from the Secondary Zone of the Delta.

The staff reports state that the proposed city boundaries extend beyond the County's adopted urban limit lines "to make a more logical boundary for the proposed City and in keeping with nearby cities whose northern boundaries also extend to the County line". A review of the boundaries of the Cities of Pittsburg and Antioch show there are substantial water-covered areas not in the city limits (Winter Island and shoreline areas north of Antioch and east of a line extended from the northern terminus of August Way). In addition, Jersey Island, which forms the northern border of Big Break; will likely remain in County jurisdiction.

I would like to suggest that the northern boundary of the proposed City be more closely aligned to the County's Urban Limit Line in western Big Break and along the boundary line of the lands owned by East Bay Regional Park District for western Big Break. This modified city boundary would also be closer to the boundary of the Primary Zone of the Delta (see attached maps).

I have enclosed a copy of the Delta Protection Commission's adopted Land Use and Resource Management Plan for your review. Contra Costa County has amended its General Plan to ensure that its General Plan is in conformance with the Commission's Plan and the Delta Protection Act.

Please feel free to contact me if you have any questions about the Commission or its authority.

Sincerely,

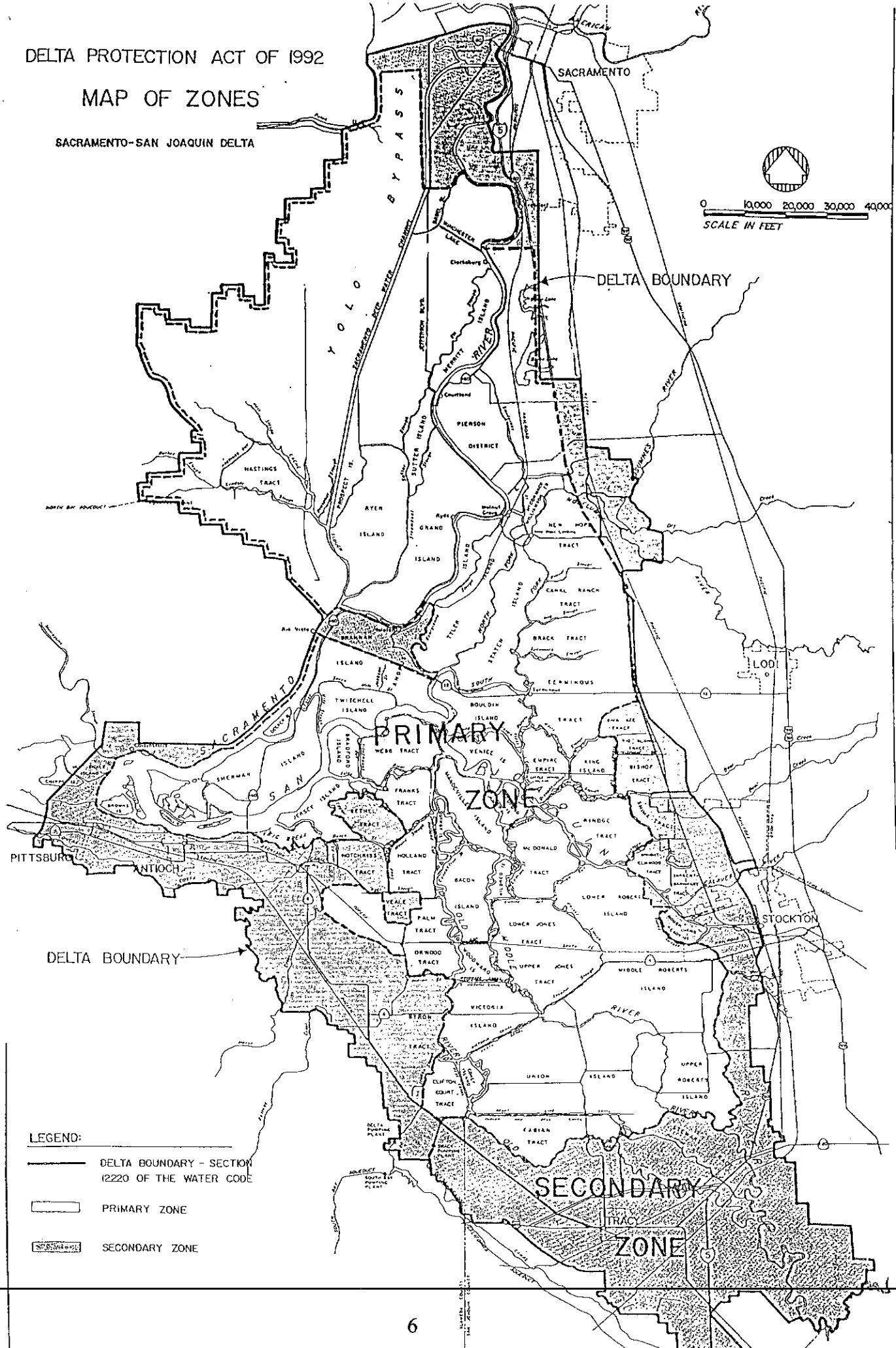
A handwritten signature in black ink, appearing to read "Margit Aramburu", with a long horizontal flourish extending to the right.

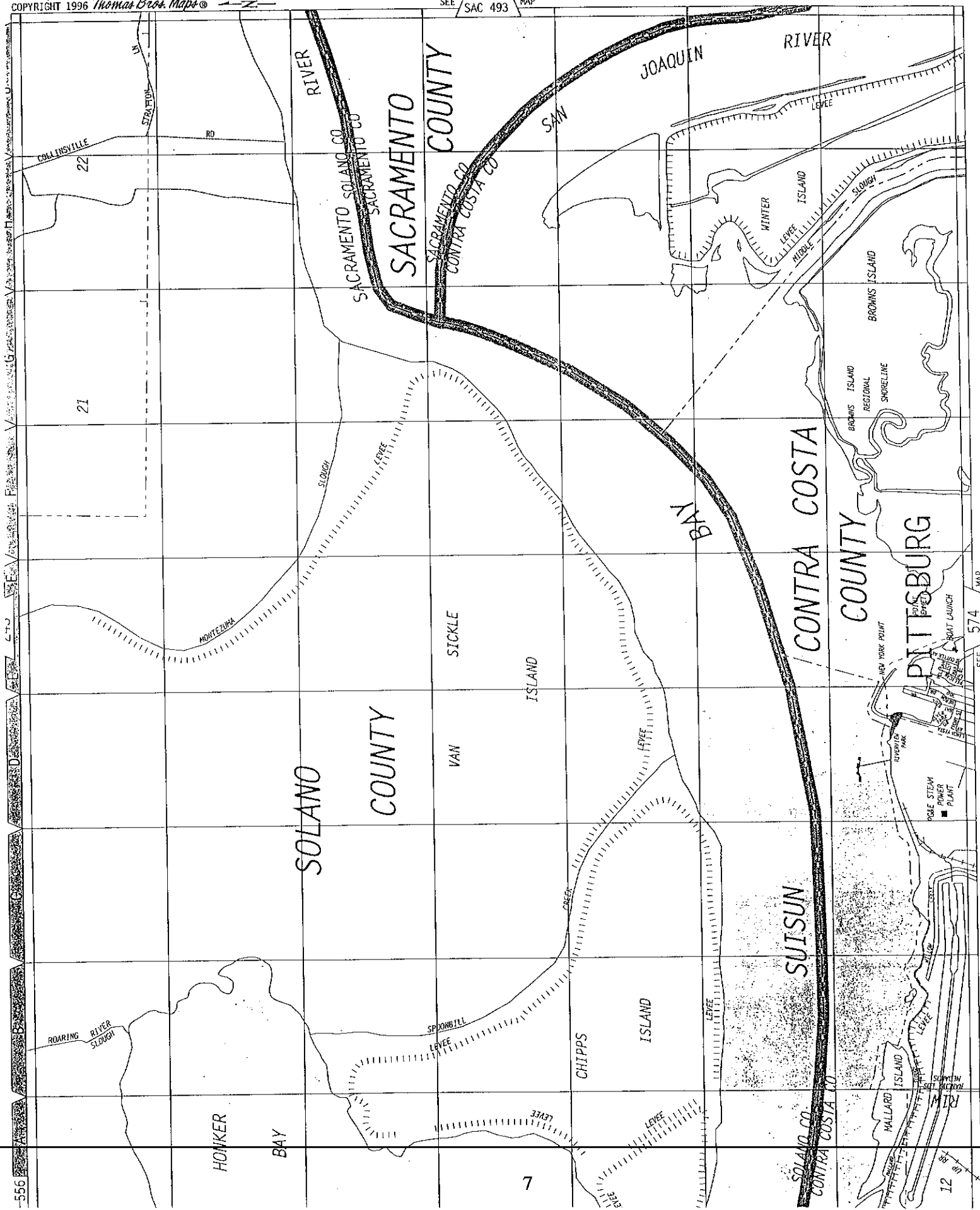
Margit Aramburu
Executive Director

Enclosures

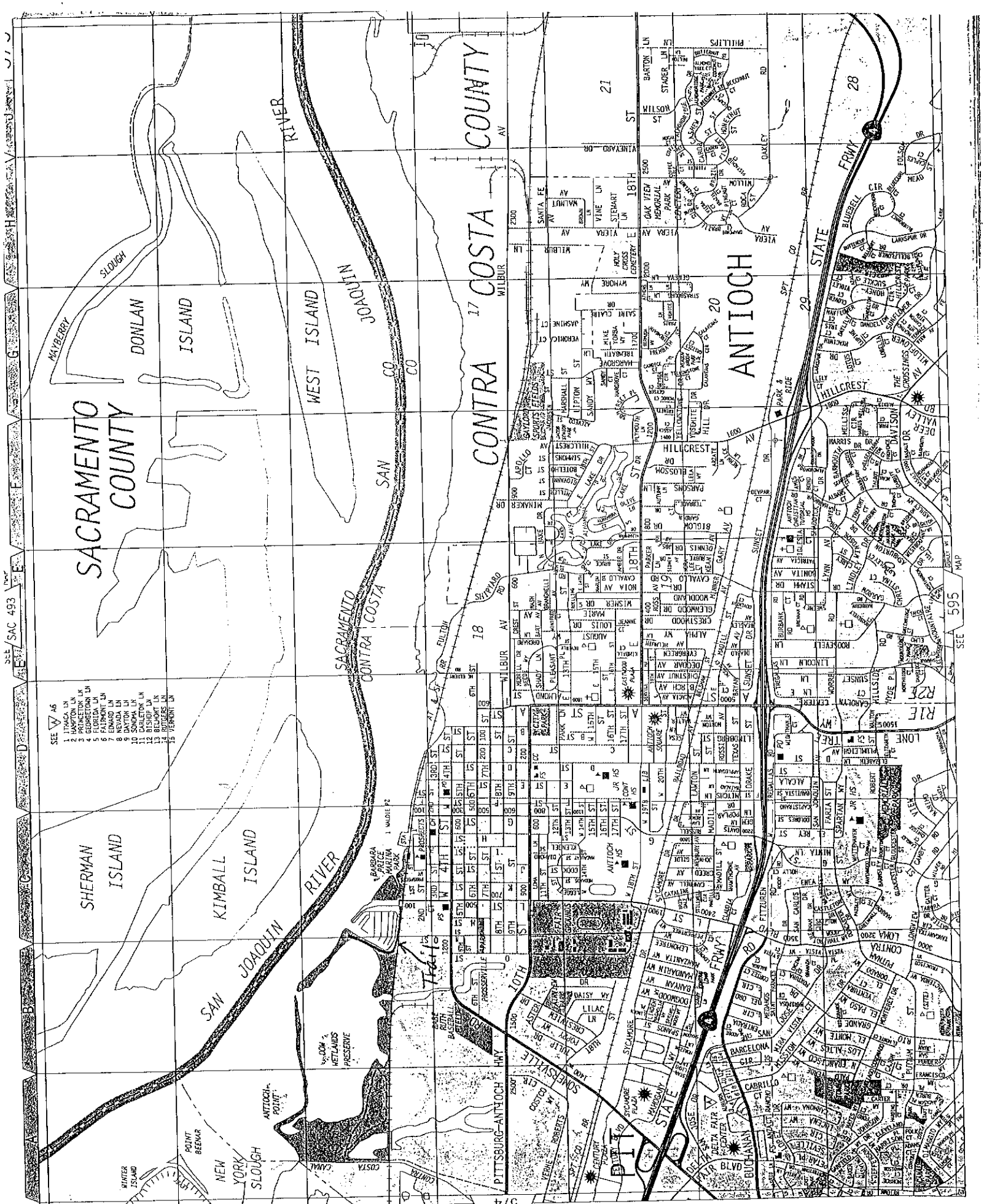
cc: Chairman Patrick N. McCarty
Supervisor Joe Canciamilla

MAP OF ZONES











DELTA SHORELINE BIG BREAK / JERSEY ISLAND VICINITY

CONCEPTUAL SITE PLAN

ADVANCE PLANNING AND ACQUISITION 14 MAY 1983

B. STONE

